

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

**FILED  
FEB 23 2011**

**KEVIN M. KEAY,**

**10-CV-1098-BR**

**Plaintiff,**

**ORDER TO  
SHOW CAUSE**

**v.**

**COMMISSIONER SOCIAL  
SECURITY ADMINISTRATION,**


**Defendant.**

Plaintiff Kevin M. Keay filed a Complaint to Review Final Decision of Commissioner and Application for Leave to Proceed in Forma Pauperis on September 14, 2010. An Order Granting Motion for Leave to Proceed in Forma Pauperis was issued September 20, 2010. Federal Rule of Civil Procedure 4(m) allows 120 days after the filing of the Complaint or the Order Granting Motion for Leave to Proceed in Forma Pauperis to effectuate service on a defendant. The Court received the Summons and USM 285 forms on October 18, 2010 which were filled out incorrectly and resent new Summons and USM 285 forms to the Plaintiff on that date. No proof of service has yet been made to the Court, and it has now been more than 120 days since the Court issued an Order Granting Motion for Leave to Proceed in Forma Pauperis.

The Court, therefore, orders Plaintiff to show cause in writing by March 9, 2011, why the Court should not DISMISS this action without prejudice for failure to serve Defendant.

IT IS SO ORDERED.

Dated this 23<sup>rd</sup> day of February 23, 2011.

  
ANNA J. BROWN  
United States District Judge

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